

**ANALYSIS AND FINDINGS FOR MAJOR ADJUSTMENT APPROVAL
IN THE RC ZONE FOR MAJOR PEDESTRIAN ROUTES**

Section 40.10.05 Purpose for Adjustments

The purpose of an Adjustment is to provide a mechanism by which certain regulations in this Code may be adjusted if the proposed development continues to meet the intended purpose of such regulations. This Section is carried out by the approval criteria listed herein.

Development Code Standard Requested to be Adjusted

Section 20.20.60.E.3.C. Building Heights in Regional Center Districts, Along Major Pedestrian Routes.

“The minimum and maximum building height standards are used to establish building scales along Major Pedestrian Routes in order to achieve a pedestrian friendly character which supports a wide variety of residential and commercial uses in combination. Buildings which are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a district and helps to bring about the successful mixing of diverse land uses and activities.

- 1. The height of any portion of a building lying within twenty (20) feet of a Major Pedestrian Route shall not be less than twenty four (24) feet or greater than forty five (45) feet at finished grade of the required ten (10) foot sidewalk. An adjustment of an additional twelve (12) feet in excess of the maximum 45 foot building height is permitted for any portion of a building located above the coping, eave or deck line and beneath a plane extending back from the coping, eave or deckline at an angle of thirty (30) degrees from a horizontal plane equal to the height of the coping, eave or deckline. The point from which the thirty (30) degree angle shall be measured is at the 45 foot maximum height, twelve (12) feet from the face of curb.*
- 2. The height of any portion of a building located within 20 feet of a Major Pedestrian Route shall not exceed a height greater than one-half the width of the abutting right-of-way of the Major Pedestrian Route. An adjustment of an additional twelve (12) feet in excess of the maximum building height is permitted for any portion of a building located above the coping, eave or deck line and beneath a plane extending back from the coping, eave or deckline at an angle of thirty (30) degrees from a horizontal plane equal to the height of the coping, eave or deckline. The point from which the thirty (30) degree angle shall be measured is at the highest permitted elevation at twelve (12) feet from the face of curb.*

Section 40.10.15.4.C Approval Criteria

In order to approve this Minor Adjustment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Major Adjustment-Regional Center and South Tektronix Station Community Major Pedestrian Routes application.***

Section 40.10.15.4.A of the Development Code states the following requirements:

Threshold. An application for Major Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be required when one or more of the following thresholds apply:

- 1. Involves an adjustment of more than 25% to a numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.B.3 or 20.20.60.E.3.*
- 2. Involves an adjustment to a non-numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.B.3 or Section 20.20.60.E.3.*
- 3. Involves multiple Minor Adjustment - Regional Center and South Tektronix Station Community Major Pedestrian Routes applications.*

Facts and Findings:

Section 20.20.60.E.3.C.1

The applicant requests a building height of 76.5 feet for a structure abutting a Major Pedestrian Route (MPR). The requested height is approximately a 150 percent increase in the building height above the 30 foot height standard of Subsection 1.

Section 20.20.60.E.3.C.2

The building height allowed by Subsection 2 is based upon the right-of-way width of the abutting MPR. Abutting the South Parking building site, the existing Millikan Way right-of-way is 60 feet wide. Therefore, the MPR standard limits building height to half the right of way width (30 feet) along SW Millikan Way, unless otherwise approved. By this Major Adjustment application, the applicant requests up to a 150 percent increase in building height for the portions of building area within 20 feet of the right-of-way.

Conclusion: Because the Code lists two different methods for determining maximum building height on a Major Pedestrian Route, the more restrictive of the standards shall apply. Therefore, Subsection 2 which limits building height to 30 feet within the first 20 feet of setback to Millikan is the standard for review of the request. Because the requested height increase is a numerical increase greater than 25 percent of the Code standard within the RC-TO zone, a Major Adjustment is required. Therefore the application is properly processed in accordance with Major Adjustment Criterion 1.

Therefore, staff find that the criterion is met.

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The applicant paid the required associated fees of \$912.00 for a Major Adjustment application on June 9, 2004.

Therefore, staff find that the criterion is met.

3. ***Granting the adjustment will equally or better meet the purpose of the District subarea requirement, standard or regulation to be modified.***

Section 20.20.60.E.3.C states the following purpose for the building height standards along Major Pedestrian Routes.

“The minimum and maximum building height standards are used to establish building scales along Major Pedestrian Routes in order to achieve a pedestrian friendly character which supports a wide variety of residential and commercial uses in combination. Buildings which are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a district and helps to bring about the successful mixing of diverse land uses and activities”.

Facts and Findings:

The South Parking building is proposed at approximately 75 feet in height, with one portion up to 76.5 feet. It would contain 7 stories of parking, with retail space on the ground floor. The building is proposed with a zero setback on Millikan Way.

The purpose of the reduced height standard for buildings along Major Pedestrian Routes is stated in Section 20.20.60.E.3.C, above. In comparison with the building heights allowed outright elsewhere in the RC-TO zone, that being up to 120 feet, the Code's reduced maximum height standard appears intended to keep building heights low in close proximity to routes where high pedestrian use is encouraged. The purpose statement intends that lower building heights are best for achieving a "pedestrian friendly character" and a "harmonious visual setting" along MPR's. The Code does not indicate why those building heights were chosen as standards nor why lower building heights are necessary for a pedestrian friendly character or a harmonious visual setting. In the findings below, staff review the applicant's proposal for the South Parking building, in context with its location in The Round, and conclude that the stated purpose of the Code standard can be met by building height in excess of 30 feet.

Previously, as part of the approvals of CUP 97005 and BDR 97027 (BCB's Master Plan for The Round @ Beaverton Central), by the Planning Commission and the Board of Design Review, respectively, the PC and the BDR approved a complex of three attached buildings, containing a cinema, parking structure and hotel, located at the site of the proposed Health Club Lofts site. The height of the BCB buildings at this location ranged from 70 feet to 80 feet. The 1997 approvals were not subject to the current RC-TO zone or Major Pedestrian Route height standards.

The design of The Round, by Dorn-Platz, provides a pedestrian and transit-oriented, mixed-use development that is encouraged by the Comprehensive Plan. The current proposal continues the overall mixed use orientation of the site with pedestrian improvements linked with other buildings and a central pedestrian plaza. Overall, the design of The Round intends to provide an intensity of development and mix of transit supportive uses, which include residential and recreational facilities, that will be create a distinctive urban streetscape new to Beaverton.

Overall, the South Parking building is designed to meet the purpose statement of the Code standards for building height along Major Pedestrian Routes. The proposal includes construction of the curving pedestrian accessway at the north edge of the building designed to link with the South Plaza (planned for a future phase), and links to that plaza also provided by two wide pedestrian accessways on either side of the parking structure. Open space and connectivity, with intensive pedestrian activity, is the primary purpose of the plazas and accessways. Smaller pedestrian spaces will also be provided abutting the parking garage. Landscaping and decorative lighting, railings, seating and pavement treatments are proposed with the parking garage and pedestrian area improvements, coordinating with the design found elsewhere on completed portions of The Round.

The design of the streetscape along SW Millikan Way will provide pedestrian scale and orientation. Sidewalks are proposed to exceed the minimum width requirement of 10 feet, and proposed to be 20 feet in width. Pedestrian entrances, under canopies, to the retail space is planned to the Millikan Way sidewalk. A majority of the Millikan building façade will be used as retail storefront(s). Parking garage entry area will occupy 20 percent of the frontage.

The streetscape is enhanced by providing approximately 55 percent of glazing to the Millikan frontage, in excess of the 50 percent requirement within the first 10 feet of elevation. Plans for the Millikan Way frontage show a combination of glazing and architectural features, such as the articulated façade, decorative brick course-work and building fenestration on approximately 80 percent of the frontage, without counting the garage entry area.

The pedestrian's view, along Millikan Way, of the potentially objectionable appearance of parking areas within the building is limited to openings in the exterior wall of parking levels and the garage entry area. The three (3) foot height of the openings relative to the location of head-in parking spaces and the elevation of parking garage floors will prevent most all vehicle headlights from being viewed outside the building. In addition, the lower portion of the openings will be partially screened by decorative metal fins and rails, so that interior views of the parking garage and auto headlights are minimized to the degree feasible, while meeting the need to provide air circulation through the parking garage. The use of the decorative fins and rails, and exterior architectural lighting, on the building's exterior will assist in diminishing the visual mass of the upper floors, day and night, by providing differentiation in materials so that building mass is not excessively uniform.

In review of the Design Review application, staff has recommended a condition of approval to the BDR, requiring that internal parking garage and entry lighting be shielded, or otherwise designed or located, so as to minimize the visual impacts of lighting viewed by pedestrians and motorists on Millikan and on the proposed pedestrian accessways. Therefore, in consideration of the requirement for Design Review approval, staff find that for the Major Adjustment, the design of the building will minimize potential visual impacts to pedestrians. With Design Review approval, the building design will adequately minimize the potential for adverse visual impacts.

Staff find that the height of the building, proposed at 76.5 feet, meets the criteria for Major Adjustment approval because the design of the South Parking building, as part of The Round, will provides site improvements that will create a pedestrian-oriented streetscape and a building design to provide

the desirable pedestrian character that is encouraged by the purpose statement for building height limitations along Major Pedestrian Routes. Therefore, due to the design of the building and pedestrian amenities, the proposed height of the building will provide an approximately equal amount or better amount of pedestrian oriented benefits in comparison to limiting building height to 30 feet.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

4. *The proposal will be consistent with the desired character of the area.*

Facts and Findings:

The South Parking building is a portion of the larger mixed-use development known as “The Round at Beaverton Central” which is located around the Beaverton Central LRT station. The proposed building height, between 68 and 76.5 feet, is consistent with the development concept that combines an urban densities and scale with substantial pedestrian orientation and amenities. The abutting South Office building is 88 feet in height and the 24 Hour Fitness building is 78 feet. The development of The Round has been encouraged by, and is designed in part, to meet the requirements of the Comprehensive Plan that encourages higher density mixed-use development in the Regional Center. The South Parking building is consistent with The Round development in providing more compact and less land consumptive development with a high level of pedestrian amenities, in comparison with older development patterns found in the surrounding area. Staff find that in consideration of this type of development that is expected to occur in the area, the height of the South Parking building will not appear out of place in its surroundings. The building will be seen as appropriate and compatible in height and scale with its companion structures in The Round and eventually elsewhere within the Beaverton Regional Center.

Therefore, staff find that the criterion is met.

5. *If more than one (1) adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.*

Facts and Findings:

The applicant requests only the adjustment reviewed in this staff report.

Therefore, staff find the criterion is not applicable.

6. *City-designated scenic resources and historic resources are preserved.*

Facts and Findings:

The site does not contain an historic resource and is not located within the Downtown Beaverton Historic District.

With regard to scenic protection, the City has completed a Scenic Tree Inventory, but otherwise the City does not have a scenic views inventory. No scenic trees have been identified on the site of The Round. Statewide Planning Goal 5 no longer requires protection of scenic views.

Therefore, staff find the criterion is not applicable.

7. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

Facts and Findings:

Staff cite the findings for Adjustment Criterion 3, as applicable to Criterion 7. Those findings describe the pedestrian amenities of The Round and of the South Parking building proposal in particular. Such amenities are proposed as part of the site and architectural design, and satisfactorily mitigate the increased building height with respect to the purpose statement of Section 20.20.60.E.3.C.

Therefore, staff find that the criterion is met.

8. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Facts and Findings:

The applicant has submitted all of the applications necessary for review of the building and site improvements for the South Parking building.

Therefore, staff find that the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **ADJ 2004-0013 The Round; South Parking Building**, subject to the conditions identified in Attachment D.